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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,302	11/26/2003	Rajeev Sharma	AI-0015-UCO	5030

7590 04/02/2007  
Rajeev Sharma  
Suite 104  
403 South Allen Street  
State College, PA 16801

EXAMINER
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BITAR, NANCY

ART UNIT	PAPER NUMBER
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2624

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/02/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/724,302	SHARMA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nancy Bitar	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 3/12/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/26/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4-6,8-9,14-16,18-19,27-29, 31-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "such as" and "whereby examples" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu et al (US 5,331,544) in view of Meyerhofer et al (US 2004/0095604).

As to claim 1, Lu et al teaches a method for printing facial images of people, captured automatically from a sequence of images, onto one or a plurality of coupons or any promotional printed material, comprising the following steps of: capturing a plurality of the input images of a person or a plurality of persons (camera module 22, preferably located adjacent the point of sale display 20, used to acquire images of the customer's

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face for recognition by a computer system while customer purchases are scanned and totaled, column 4, lines 51-56) , performing the communication between a means for processing and controlling and a product database and processing read and write transaction to said product database ( a local computer module 26 is attached by a cable 28 to the illuminator and video camera module 22, and communication link 16 column 4, lines 62-64), performing the communication between said means for processing and controlling and a customer database and processing read and write transaction to said customer database ( a store data collection computer 40 including a frequent shopper database 80 is couples to each of the local computer modules 26 at a line 40A and to the store controller computer 18 at a line 40B in block 32, column 5, lines 6-9); processing demographic classification for said person using said plurality of input images and matching said coupon content according to a plurality of the demographic information from said demographic classification ( the input facial feature set is then compared with the relevant subset of all the facial features sets in database 80 by using the Eigenface parameters to arrives at a quantitative estimate of the degree to which the newly acquired facial image matches an image already present in database 80 as indicated in block 122, column 8, lines 9-15, figure 8).

While Lu et al. meets a number of the limitations of the claimed invention, as pointed out more fully above, Lu et al fails to specifically teach to process said plurality of input images in order to superimpose said person's face image onto one or a plurality of said coupons, and printing said coupons or said promotional printed material by combining said superimposed image and said coupon. Specifically, Myerhofer et al. teaches the

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use of coupon 300 may include four types of data field: text fields such as text field 302; barcode fields, such as barcode field 304; graphic fields such as graphic field 308, paragraph [0037]. Moreover, Myerhofer teaches a master promotional control selects a type of coupon and transmits particulars such as customer identity to be placed in field in the coupon according to trigger conditions, which is sent to a promotional printer 109. Because the plurality of templates describing different types of coupons are stored in a promotional printer supporting a rich couponing environment. It would have been obvious to one of ordinary skill in the art to use the graphical field of the coupon as the facial image of the person and the trigger conditions as the product database in Lu et al in order to maximize the efficiency of the coupon resources thus provide a highly secure incentive distribution scheme. Therefore, the claimed invention would have been obvious to one of ordinary skill in the art at the time of the invention by applicant.

As to claim 2, Myerhofer et al teaches the method according to claim 1, wherein the method further comprises means for using said coupon as a means to encourage people to visit specific sites as a way of promoting goods or services sold at the visited site (the contents of the promotional database include description of a plurality of promotional coupons, cash vouchers, advertisements or other enticements which are hereinafter collectively referred as coupons, paragraph [0034]).

As to claim 3, Myerhofer teaches the method according to claim 2, wherein the method further comprises the step of processing a store traffic control by allowing

immediate pickup of said coupon or immediate redemption of said coupon (the promotional coupon may be redeemed with a human operator or cashier 110, or redeemed automatically through a another redemption device, paragraph [0027]).

As to claims 4 and 5, Myerhofer et al teaches the method according to claim 1, wherein said method is integrated into any public place and a stand-alone system, such as a coupon Kiosk system (redeemed at a kiosk which is not a game but provides some other form of automatic interface for a promotional coupon holder, paragraph [0027]).

As to claim 6, Lu et al. teaches the method according to claim 5, wherein the method is further comprising the following steps of: displaying digital contents (other outputs such as display may also be used with the local computer module 26, column 5, lines 65-67), playing audio sound, and controlling lights (the illuminator is controlled by the computer module 26, column 5, lines 46-54), processing customer interaction by providing one or a plurality of interfaces, such as keyboard, mouse, or touch-screen to said person (other inputs such as keyboard and outputs such as display may also be used with the local computer module 26, column 5, lines 64-66) , and processing customer interaction by a contact-free interface.

As to claim 7, Lu et al. teaches the method according to claim 1, wherein said method for processing demographic classification for said person using said plurality of input images gives information about the customers and their behavior (the frequent

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shopper database 80 is also preferentially updated by an adaptive learning process shown at block 90 in figure 5, column 8, lines 42-51).

As to claim 8, Lu et al. teaches the method according to claim 1, wherein said method for processing demographic classification for said person using said plurality of input images can be done at different stages of coupon creation and redemption, such as at the time of said person detection and said coupon creation or at the time of said coupon redemption (figure 5 attempts to obtain a facial image for example at the beginning of a checkout or retail sales transaction are conducted by first controlling the intensity and timing of illumination, column 7, lines 5-16).

As to claim 9, Lu et al teaches the method according to claim 8, wherein said method gathers information about the customers from said plurality of demographic classification, by analyzing and comparing the demographic information results from said different stages (figure 7-9; flow charts illustrating logical steps performed by the monitoring unit of the marketing system of figure 1).

As to claim 10, Lu et al teaches the method according to claim 1, wherein said method for processing said plurality of input images can be processed in uncontrolled background (background updating and elimination; column 7, lines 4-35).

Claims 11-20 differ from claims 1-10 only in that claims 1-10 are method claims whereas, claims 11-20 are apparatus claims. Thus, claims 11-20 are analyzed as previously discussed with respect to claims 1-10 above.

The limitation of claim 21 has been addressed in claim 1 part a, d and f.

The limitation of claim 22 has been addressed in claim 1 part b.

The limitation of claim 23 has been addressed in claim 1 part c.

The limitation of claim 21 has been addressed in claim 1 part e.

The limitation of claim 25 has been addressed in claim 2.

The limitation of claim 26 has been addressed in claim 3.

The limitation of claim 27 has been addressed in claim 4.

The limitation of claim 28 has been addressed in claim 5.

The limitation of claim 29 has been addressed in claim 6.

The limitation of claim 30 has been addressed in claim 7.

The limitation of claim 31 has been addresses in claim 8.

The limitation of claim 32 has been addresses in claim 9.

The limitation of claim 33 has been addresses in claim 10.

## **Conclusion**



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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Katz et al (US 2002/0107729) is cited to teach a system for timing the provision of promotions based upon previously received promotions.

Scroggie et al (US 6,885,994) is cited to teach a method for delivering purchasing incentives and a variety of other retail shopping aids with respects to customer classifications.

Slater et al (US 6,483,570) is cited to teach a generated image content identification matches a stored image content identification, generating a customer certificate from the stored certificate data associated with the matching stored image content identification. The method can be used with customer image sets.

Eldering et al (US 7,062,510) is cited to teach a computer network method and apparatus provides targeting of appropriate audience based on psychographic or behavioral profiles of end users. Recording computer activity and viewing habits of the end user form the psychographic profile. Content of categories of interest and display format in each category are revealed by the psychographic profile, based on user viewing of agate information. Using the profile (with or without additional user demographics), advertisements are displayed to appropriately selected users.

### **Inquiries**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nancy Bitar whose telephone number is 571-270-1041.

The examiner can normally be reached on Mon-Fri (7:30a.m. to 5:00pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on 571-272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nancy Bitar

3/27/2007



JOSEPH MANCUSO  
SUPERVISORY PATENT E